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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,529	09/30/2005	Arto Koponen	AWEK 3305	4442
7812 7590 03/31/2009 SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006				
EXAMINER				
TANG, JEFF				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
03/31/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/551,529

**Applicant(s)**

KOPONEN, ARTO

**Examiner**

Jeff Tang

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed on 12/12/08 has been received. The previous 112 rejections are withdrawn since applicant has cancelled claims 1-12.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 20-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention of a stationary outer member in the disclosure. The examiner will examine the claims as best understood.

#### ***Specification***

The amendment filed 12/12/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: There is no mention of a stationary outer member in the disclosure..

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 13-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. (US 6,002,217) in view of Dal Pra' (US 6,676,554 B2).** Stevens et al. disclose a swing door apparatus for controlling movement of a swing door, the swing door apparatus comprising an operation shaft (drive shaft of 212 Column 3, lines 53-55) for connection to the swing door whereby the operating shaft turns in accordance with movement of the swing door, first and second potentiometers (108, 130) that have at least substantially identical characteristic curves, but does not disclose a common operation shaft that is coupled with the potentiometer shaft. However, Dal Pra' discloses a potentiometer (25) coupled to the operation shaft (11) of the motor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have had two potentiometers sharing the output shaft of the motor. The motivation for doing so would be to reduce the number of parts to increase efficiency and decrease costs.

Regarding claim 14, Stevens et al. does not disclose the phase of the two potentiometers but does disclose the potentiometer reading six hundred degrees of rotation (Column 4, lines 10-5). Having two potentiometers instead of just one to be used for sensing at all times would be redundant and thus, it would have been considered obvious to one of ordinary skill in the art, at the time the invention was

made, to have made two potentiometers that are out of phase with each other, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.

Regarding claim 15, Stevens et al. discloses wherein it comprises a control unit which is used for detection of the door position (Column 5, lines 57-67).

Regarding claims 16 and 17, the combination of Stevens et al. and Dal Pra' disclose wherein said rotatable member is a gear wheel which is mechanically coupled to said operation shaft and arranged to rotate said shaft (11, Dal Pra') of the potentiometer means (104, 132, Fig. 5b, Stevens et al.); **[claim 17]** wherein the drive wheel is a gear (104, Fig. 5b, Stevens et al.) that is in meshing engagement with a gear attached to the operation shaft.

Regarding claim 18, Dal Pra' discloses a electric motor (2) coupled drivingly to said operation shaft and a power source for supplying power to the electric motor, and wherein said potentiometers receive power from said power source (40, Fig. 1).

Regarding claims 19 and 20, the combination of Stevens et al. and Dal Pra' disclose a body structure (116, Stevens et al.) to which the potentiometers are attached, and wherein each potentiometer has a slider member (inherent in potentiometers) connected to the potentiometer shaft (11, Dal Pra'); **[claim 20]** comprising a body structure (116, Stevens et al.) by which the potentiometer shaft (11, Dal Pra') is mounted and wherein each potentiometer includes a stationary outer member by which the potentiometer is attached to the body structure (11, Dal Pra'); **[claim 21]** comprising a body structure (116, Stevens et al.) by which the potentiometer shaft is mounted (11,

Dal Pra') and wherein each potentiometer includes a stationary outer member (11, Dal Pra') by which the potentiometer is attached to the body structure and also includes a slider member (inherent) attached to the potentiometer shaft.

***Response to Arguments***

4. Applicant's arguments with respect to claims 13-21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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